



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 6, 1998

Ms. Sharon Sela
Assistant City Attorney-Criminal Law and Police Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR98-1584

Dear Mr. Sela:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 116461.

The City of Dallas (the "city") received two requests for information concerning an incident identified by service number 241942-G. Specifically, the requestor seeks "any and/or all 911 call sheets" and "any and/or all photographs" concerning the incident at issue. In response to the request, you submit to this office for review the information which you assert is responsive. You contend that this information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You state that because "[t]he case involves possible child neglect," Child Protective Services was contacted. Therefore, the requested information is subject to section 261.201(a) of the Family Code which provides as follows:


(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Based on your representations, we believe that the submitted information consists of "reports, records, communications, and working papers used or developed" in an investigation made under chapter 261 of the Family Code. Thus, the information in the requested file may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by the city. You have not cited any specific rule that the city has adopted with regard to the release of this type of information; therefore, we assume that no such regulation exists. Given this assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (predecessor statute). Accordingly, the city must withhold these records.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,


Sam Haddad
Assistant Attorney General
Open Records Division

SH/mjc

Ref: ID# 116461

Enclosures: Submitted documents

cc: Ms. Lisa M. Pascarelli
Elliot Law Offices
5728 LBJ Freeway, Suite 400
Dallas, Texas 75240-6308
(w/o enclosures)

¹We note that if the Texas Department of Regulatory Services has created a file on this matter, the child's parent(s) may have the statutory right to review that file. *See* Fam. Code § 261.201(f). Furthermore, subsections (b) and (c) of section 261.201 permit a court to order the disclosure of confidential child abuse or neglect information in certain circumstances.